IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 2855 of 2007(M)

PETITIONER:

T.P.PURUSHAN, PREVENTIVE OFFICER,
EXCISE CIRCLE OFFICE, PONNANI, MALAPPURAM.

BY ADV. SRI.V.K.PRAVEEN

RESPONDENTS:
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1. THE COMMISSIONER OF EXCISE,
COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM.

2. THE JOINT EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER,
EXCISE DIVISION, MALAPPURAM.

***4. GEORGE MANUEL,**
PREVENTIVE OFFICER, EXCISE DIVISION OFFICE,
ERNAKULAM.

***ADDL. R4 IS IMPLEADED AS PER ORDER DATED**
28/02/2007 IN IA NO. 1487/2007.

BY ADV. SRI.K.JAJU BABU --R4
GOVERNMENT PLEADER SRI. MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 2855/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RELEVANT EXTRACT OF THE PROVISIONAL SENIORITY LIST APPENDED TO ORDER NO. XD3/28314/2004 DT. 6/10/2006 OF THE R1.

EXT.P2. COPY OF THE REPRESENTATION DT. 30/6/06 PREFERRED BY THE PETITIONER BEFORE THER2 THROUGH THE EXCISE CIRCLE INSPECTOR, PONNANI.

EXT.P3. COPY OF THE COMMUNICATION DT. 30/6/2006 OF THE EXCISE CIRCLE INSPECTOR, PONNANI TO R3.

EXT.P4. COPY OF THE COMMUNICATION NO. M1/6211/04 DT. 4/7/2006 OF THE R3 TO THE R2.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No.2855 of 2007

Dated 28th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of mandamus or any other writ, order or direction directing respondents 1 and 2 to promote the petitioner as Assistant Excise Inspector and thereafter as Excise Inspector with retrospective effect from the due date with all consequential benefits expeditiously and within a time frame to be fixed by this Hon'ble Court;
>
> (ii) Issue a writ of mandamus or any other writ, order or direction directing the 2nd respondent to consider and pass orders on Ext.P2 as forwarded by Ext.P4 and taking into account Exts.P3 and P4 within a time frame to be fixed by this Hon'ble Court."

There is no counter affidavit. Learned Government Pleader submits that the writ petition can be disposed of directing the second respondent to consider Ext.P2 representation. In the common judgment in O.P.Nos.2353/03 and connected cases, this Court has already set aside the Government Order dated 4.4.2006 with a direction to pass fresh orders, with notice to the affected parties. Therefore, this writ petition is disposed of directing the second respondent to take appropriate action on Ext.P2, subject to the orders passed by the Government in compliance with the

common judgment, within another one month, with notice to the petitioner, 4th respondent and other affected parties, if any.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.